

Notice of Allowability

Application No.

09/919,185

Examiner

Victor Lesniewski

Applicant(s)

BODEN, EDWARD B.

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview held 13 December 2006.
2. ☒ The allowed claim(s) is/are 1, 3-5, 8-14, 18-25, 29, 30, 34-41, 43, and 45-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20061218.
7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


BUNJOB JABOENCHONWANIT
SUPERVISORY PATENT EXAMINER

ALLOWANCE

1. In a telephonic interview on 12/13/2006, the applicant and the examiner have agreed on amendments to the claims that will place them in condition for allowance. See the attached interview summary for details of the interview.
2. Claims 1, 3-5, 8-14, 18-25, 29, 30, 34-41, 43, and 45-53 are pending and are to be entered herein by an examiner's amendment.
3. Thus, claims 1, 3-5, 8-14, 18-25, 29, 30, 34-41, 43, and 45-53 are allowed.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given via telephone by Attorney Shelley Beckstrand, Reg. No. 24886, on 12/18/2006.

The application has been amended as follows:

In the claims:

Please replace all claims in the application with the new listing of claims in the applicant's "Proposed Amendment" attached hereto. The claims appear on pages 2-48 of the "Proposed Amendment."

Further, in the new listing of claims entered herein:

In claim 25, line 9, after “within said IP layer of said”, please remove “ said”.

In claim 48, line 6, please replace “sixth” with --seventh--.

In claim 48, line 18, after “would have been delivered;”, please remove “;”.

In claim 48, line 19, please replace “sixth” with --seventh--.

In claim 49, line 20, please replace “packed” with --packet--.

Allowable Subject Matter

5. The following is an examiner’s statement of reasons for allowance:

The independent claims distinguish themselves over the prior art by delineating a method, system, etc. in which the syntax used to write filter rules is extended to allow specification of non-IP packet attributes and in which the filtering function which runs in the system kernel is extended to handle the non-IP packet attributes. See the applicant’s specification, page 10, lines 15-22. Each independent claim includes the specification of the non-IP packet attributes as well as the extension of the system kernel. The extension of the system kernel is conveyed in some of the independent claims by stating that the steps for inbound and outbound packet processing are executed within a kernel filtering function upon encountering a filter selector field referencing kernel data not included in the packet, while the extension of the system kernel is conveyed in other independent claims by stating that the filtering code is executed within the IP layer of the system kernel with respect to non-IP packet data accessed within said system kernel outside of the TCP/IP protocol stack. In this way, the independent claims now clearly and distinctly describe the important features of this packet

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filtering system which filters based on non-IP packet traffic attributes and thus independent claims 1, 10, 18, 22-24, 29, 34, 26-41, 43, 45-47, and 49-52 now show a patentable distinction over the prior art. Furthermore, the prior art gives no indication that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to extend IP filtering technology in the specific fashion presented in these claims.

Claims 3-5, 8, 9, 11-14, 19-21, 25, 30, 35, 48, and 53 are allowed due to their dependence on independent claims discussed above.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

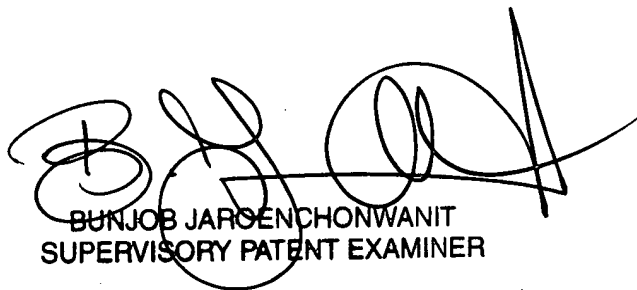
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Lesniewski
Patent Examiner
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